

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ISMAEL GOMEZ,

Plaintiff,

Case No. 1:13-cv-839

v.

Honorable Robert J. Jonker

UNITED STATES OF AMERICA,

ORDER OF TRANSFER

Defendant.

This is a civil rights action brought by a federal prisoner. Plaintiff presently is incarcerated at the United States Penitentiary in Marion, Illinois (USP Marion). Plaintiff sues the United States of America. In his *pro se* complaint, Plaintiff alleges that he is being denied access to medical services and to necessary prescription medication.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events giving rise to Plaintiff's action occurred at USP Marion which is located in Williamson County, Illinois. Williamson County is within the geographical boundaries of the Southern District of Illinois. 28 U.S.C. § 102(a). Although Plaintiff sues the United States, those allegedly responsible for the actions about which Plaintiff complains are public officials serving in Williamson County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Plaintiff's allegations arose in Williamson County, where the alleged acts and omissions giving rise to this case took place. *See Leroy v. Great*

W. United Corp., 443 U.S. 173, 185-87 (1979). In these circumstances, venue is proper only in the Southern District of Illinois. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Southern District of Illinois pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or 42 U.S.C. § 1997e(c).**

IT IS SO ORDERED.

Dated: September 11, 2013

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge